

Application No.: 10/728,701

Amendment dated: September 26, 2006

Reply to Office Action of: March 27, 2006

REMARKS/ARGUMENTS

The specification has been amended to provide antecedent basis for claim 14. The examiner has acknowledged that claims 1-9 and 14-21 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. §112, second paragraph. Furthermore, the examiner has acknowledged that claims 12 and 13 are directed to allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1, 10, and 14 have been amended to more accurately define the invention claimed.

Miller (United States Patent No. 5,791,801) discloses a liquid applicator with frangible ampoule. A frangible ampoule with a neck section containing liquid is disposed inside a hollow cylindrical handle. The hollow cylindrical handle has a neck section that has a thin walled section positioned very close to the neck section of the ampoule.

The embodiment of applicant's invention in claim 10 comprises a tubular housing with a first sealed end and a second sealed end with a reduced outside diameter at the second sealed end and a fracture line provided near the second sealed end. A fluid is enclosed in the tubular housing. A tube with generally constant diameter throughout its length and with a first open end and a second open end is positioned with the first open end enclosing the second sealed end of the tubular housing such that it forms a seal around the second sealed end at a location after the fracture line. When the tube is bent at or near said fracture line, the fluid will be released through the tube. There is no neck section in applicant's tube.

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Applicant hereby submits that the claim rejections under 35 U.S.C. §112, first paragraph, and the claim rejections under 35 U.S.C. §102(b) have all been overcome. Therefore, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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